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17 Attorneys for Defendant
18 INTEL CORPORATION

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN JOSE DIVISION

22 IN RE INTEL LAPTOP BATTERY
23 LITIGATION

CASE NO. 5:09-cv-02889-JW (PVT)

24 **STIPULATION REGARDING EXPERT
DISCOVERY AND ORDER**

25 Judge: Honorable James Ware
26 Complaint Filed: June 26, 2009
27 Trial Date: None
Discovery Cutoff: February 28, 2011

28 **STIPULATION REGARDING EXPERT
DISCOVERY AND ORDER**

20336-1273/LEGAL17927821.1

5:09-CV-02889-JW

1 IT IS HEREBY STIPULATED AND AGREED, by and between plaintiff Barry Wachsler
 2 and defendants Intel Corporation and Business Applications Performance Corporation
 3 (collectively “the parties”), through their respective counsel of record, that it is in the interest of
 4 the parties and the Court to avoid consuming unnecessary time and resources on potential
 5 discovery disputes relating to experts. In recognition of that fact, the parties have agreed to
 6 certain limitations on the scope of expert discovery. These limitations are as follows:

7 1. With respect to testifying-expert discovery, neither the expert witness nor the party
 8 retaining him or her need produce, or answer deposition questions or interrogatories about, the
 9 following:

10 (a) any communications between the expert and counsel for the party retaining
 11 him or her (including notes and memoranda memorializing the same) unless the expert witness
 12 relied upon those communications in forming opinions in this matter; and

13 (b) any draft reports prepared by, for, or at the direction of an expert witness.

14 2. Upon proper service on opposing counsel of a notice of deposition of a party’s
 15 expert, the expert shall produce no later than seven business days prior to his/her deposition (a)
 16 copies of any non-publicly available materials that the expert relied on in forming opinions in this
 17 matter and (b) a list identifying any publicly available materials that the expert relied on in
 18 forming opinions in this matter but that are not identified in his/her report. The requested
 19 documents will be produced without the need for service upon the expert of a document
 20 subpoena.

21 3. For purposes of this Stipulation, the terms “expert”, “testifying-expert”, and
 22 “expert witness” do not include present and/or former employees.

23 4. Neither the terms of this Stipulation nor the parties’ agreement to them implies that
 24 any of the information restricted from discovery in this Stipulation would otherwise be
 25 discoverable.

26 5. The Court retains jurisdiction to make such amendments, modifications, or
 27 additions to this Stipulation and the proposed order as it may from time to time deem appropriate
 28 or may consider upon the motion of any party.

6. The parties agree to comply with this Stipulation pending the Court's approval and entry of the proposed order.

IT IS SO STIPULATED.

DATED: March 29, 2010

By: _____ /s/ Geoffrey A. Munroe
Geoffrey A. Munroe

DATED: March 29, 2010

By: _____ /s/ Philip A. Leider
Philip A. Leider

Attorneys for Defendant
INTEL CORPORATION

DATED: March 29, 2010 NARANCIC & KATZMAN, PC

By: _____ /s/ Perry J. Narancic
Perry J. Narancic

Attorneys for Defendant
BUSINESS APPLICATIONS
PERFORMANCE CORPORATION

ORDER

DATED: *March 30*, 2010

Patricia V. Trumblall

The Honorable Patricia Trumbull
United States Magistrate Judge